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11 *Attorneys for Defendants Romeo Aranas,
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Teresa Stark and Marc Sweeten*

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13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

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RONALD R. SANTOS,

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Plaintiff,

v.

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ROMEO ARANAS, *et al.*,

Case No. 3:16-cv-00394-MMD-VPC

**MOTION FOR ENLARGEMENT OF TIME
TO FILE SETTLEMENT DOCUMENTS**

Defendants.

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Defendants Romeo Aranas, Debra Boone-Sharp, Gloria Carpenter, John Fischer, William Gittere, Angela Gregersen, Dawn Jones, Curtis Kerner, Michael Koehn, Keli Lyons, Mardelle Petersen, Terry Riley, Ned Schuering, Harlene Stark, Teresa Stark and Marc Sweeten, by and through counsel Adam Paul Laxalt, Attorney General, and Erin L. Albright, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, and Plaintiff, Ronald R. Santos, by and through counsel Victor Drakulich, Esq., hereby move this Court for an enlargement of time to file the settlement documents.

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This motion is based on the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT FACTUAL BACKGROUND

On January 10, 2018, the parties attended a Settlement Conference where they reached a settlement. (ECF No. 41). The settlement documents were to be filed by February 20, 2018. Counsel for the parties met on February 22, 2018 to review the concerns Plaintiff had regarding the documents. Plaintiff's counsel is scheduled to meet with Plaintiff the week of February 20, 2018 to execute the settlement documents. To date, the parties have not executed the necessary settlement documents.

II. DISCUSSION

FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

13 The proper procedure, when additional time for any purpose is needed, is to present a request for
14 extension of time before the time fixed has expired. See *Canup v. Mississippi Val. Barge Line Co.*, 31
15 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
16 showing of good cause if timely made under subdivision (b)(1) of the Rule. See *Creedon v. Taubman*, 8
17 F.R.D. 268 (N.D. Ohio 1947).

18 The time to file settlement documents in this matter has not expired. This extension is not made
19 for the purposes of delay or to prejudice Plaintiff. Defendants seek an enlargement to time to file the
20 settlement documents in this matter because Plaintiff's counsel is scheduled to meet with Plaintiff to
21 review and execute the documents after the date on which the documents are scheduled to be filed with
22 this Court.

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III. CONCLUSION

Since good cause exists to extend the deadline to file the settlement documents, Defendants respectfully request this Court grant Defendants until March 13, 2018 to file the settlement documents with this Court.

DATED this 20th day of February, 2018.

ADAM PAUL LAXALT
Attorney General

By:

ERIN L. ALBRIGHT
Deputy Attorney General
State of Nevada
Bureau of Litigation
Public Safety Division

Attorneys for Defendant

IT IS SO ORDERED
Valerie J. Poole
U.S. MAGISTRATE JUDGE
DATED: February 22, 2018

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 20th day of February, 2018, I caused a copy of the foregoing, **MOTION FOR ENLARGEMENT OF TIME TO FILE SETTLEMENT DOCUMENTS**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

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